



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Burley Field Office  
15 East 200 South  
Burley, Idaho 83318  
(208) 677-6641  
<http://www.id.blm.gov/burley>



In Reply Refer To:  
3250 (220)  
IDI-36289

September 4, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Agua Caliente/Terra Caliente, LLC  
Attn: Mr. Greg Hahn  
730 17th Street, Suite 820  
Denver, Colorado 80202

**NOTICE OF FIELD MANAGER'S DECISION**

**Raft River Valley Geothermal Exploration  
NEPA No. ID-220-2008-CX-443**

Dear Mr. Hahn:

**Introduction**

This notice constitutes my Decision to authorize the proposed action described in the Categorical Exclusion (CX) for the Raft River Valley Geothermal Exploration proposed by Terra Caliente, LLC and their designated contractors, Magee Geophysical Services, LLC. My decision will allow Magee Geophysical Services, LLC to conduct a gravity survey over a 250-meter interval grid using all-terrain-vehicles (ATV's) cross country to access each of the measurement sites. The 250-meter interval grid covers all of section 21 and portions of sections 8-9, 17, 20, 22, 26-32, 34, and 35 in T. 15 S., R. 27 E., Boise Meridian. The CX (p. 1) and the information accompanying the Notice of Intent to Conduct Geothermal Resource Exploration Operations contain more complete descriptions of the proposed action.

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 11.9, B. Oil, Gas, and Geothermal Energy (6): *Approval of Notices of Intent to conduct geophysical exploration of oil, gas or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed.* This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment.

The CX (p.1) determines that the proposed action conforms to the Cassia Resource Management Plan (RMP). The proposed action also complies with the Migratory Bird Treaty Act, the Endangered Species Act, and the Federal Land Policy and Management Act.

## **Background**

My decision authorizes the activities as outlined in the Notice of Intent to Conduct Geothermal Resource Operations and accompanying information submitted to this office and as outlined in the CX that was prepared (CX No. ID-220-2008-CX-443).

In making this decision, I have also considered the timing of this proposed action (one to two weeks in late summer/early fall 2008) and the cultural resource, special status plant, and sensitive animal clearances provided by our archeologist and wildlife biologists. I have found that there is no potential for significant impacts if the terms and conditions of the Notice filed and the following stipulations are observed:

- 1) Avoid driving ATV's overland in wet conditions to prevent excessive tracks/ruts on the surface.
- 2) Exploration using ATV's should not occur from March 1 to June 30 to avoid harming nesting sage grouse or migratory birds unless a nest survey is approved or coordinated with a BLM biologist.
- 3) Avoid driving over burrows when possible.
- 4) The undercarriage of the ATV's will be washed clean of all soil and plant material prior to beginning work in the project area to minimize any potential transfer of noxious weed seeds or plants.
- 5) Should any future or inadvertent historic, cultural or paleontological property discoveries, or American Indian human remains, unassociated funerary objects, or grave goods be encountered during project implementation, project activities will immediately cease and the Burley Field Manager will be notified to coordinate further investigation.

This decision can be implemented immediately pursuant to 43 CFR Subpart 3200.5: "All BLM decisions or approvals under this part are immediately effective and remain in effect while appeals are pending unless a stay is granted in accordance with §4.21 (b) of this title."

## **Appeal Opportunities**

My decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on September 5, 2008. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley Idaho 83318. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager. Information on taking appeals and stays to the IBLA is included on the following pages of this Decision Record.

**Approved:**

**/s/ Michael Courtney**

Michael Courtney  
Field Manager  
Burley Field Office

**9/4/08**

Date

cc:

Gochmour & Associates, Inc.  
Attn: Lee "Pat" Gochmour  
P.O. Box 4430  
Parker, Colorado 80134

UNITED STATES DEPARTMENT OF THE INTERIOR  
IDAHO BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS AND STAYS TO THE BOARD OF LAND APPEALS

*DO NOT APPEAL UNLESS*

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

*IF YOU APPEAL, THE PROCEDURES DESCRIBED BELOW MUST BE FOLLOWED OR YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (SEE 43 CFR 4.402). BE CERTAIN THAT ALL COMMUNICATIONS ARE IDENTIFIED BY THE SERIAL NUMBER OF THE CASE BEING APPEALED.*

1. *When to File....*  
*An Appeal (Notice of Appeal)*  
*and*  
*Request to Stay the Decision (Petition for Stay)*  
*Your appeal of a BLM decision must be filed within 30 days of receipt of the decision. Your appeal may be accompanied by a statement describing the reasons for an appeal at this time. You also have the right to file a petition for stay (suspension) of the decision. Your petition for stay must accompany your notice of appeal (see standards for obtaining a stay under item 8).*
  2. *Where to File....*  
*An Appeal and Stay*  
*Bureau of Land Management*  
*Burley Field Office*  
*15 East 20 South*  
*Burley, ID 83318*
  3. *Where to send copies of the Appeal and Stay*
    - a. *Interior Board of Land Appeals (IBLA)*  
*Office of the Secretary*  
*Board of Land Appeals*  
*801 North Quincy Street, Suite 300*  
*Arlington, VA 22203*
    - b. *Office of the Solicitor*  
*Field Solicitor, U.S. Department of the Interior*  
*960 Broadway Ave., Suite 400*  
*Boise, Idaho 83706*
    - c. *Parties Named in the Decision*  
*Copies of your appeal must be filed with each adverse party named in the decision.*
  4. *When to send copies of Appeal and Stay*  
*Copies of the appeal and petition for stay must be sent within 15 days to the offices/individuals listed under item 3 if not sent at the same time the appeal is filed with the office issuing the decision.*
- Note: A document is not filed until it is actually received in the proper office (43 CFR 4.401 (a)).*
5. *When and Where to File Reasons for Appeal*  
*(Statement of Reasons)*  
*Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons explaining why you are appealing. This must be filed with the Interior Board of Land Appeals at the address shown in item 3(a). If you fully stated your reasons for appeal when filing the Notice of Appeal, no additional statement is necessary.*

6. *When and Where to send copies of the Statement of Reasons (SOR)*

*Within 15 days after filing the SOR documents with IBLA, the parties described in item 3 (b) and (c) must be served copies of the Statement of Reasons.*

7. *When and where to send Proof of Service that the Office of the Solicitor and parties named in the Decision have been notified.*

*Within 15 days after you send copies of the appeal and statement of reasons, you must file proof with the Interior Board of Land Appeals that the copies of both the appeal and Statement of Reasons have been served. Proof may consist of a Certified or Registered Mail “Return Receipt Card” signed by the receiving party (43 CFR 4.401 (c) (2)).*

8. *Standards for Obtaining a Stay*

*A petition for a stay of a decision pending appeal must demonstrate sufficient justification based on the following standards.*

- 1) The relative harm to the parties if the stay is granted or denied.*
- 2) The likelihood of the appellant’s success on the merits,*
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and*
- 4) Whether the public interest favors granting the stay.*

*Note: Except as provided by law or other pertinent regulation, a BLM decision on appeal to an Appeals Board will become effective on the day after the expiration of the appeal period (30 days after receipt of the decision) where no petition for a stay is filed, or 45 days after the expiration of the appeal period where a timely petition for a stay is filed, unless the Appeals Board grants the stay (43 CFR 4.21 (a) (2)).*